

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,
ex rel. KEITH JOHNSON,

Civil Action No. 09-13594
Hon. PATRICK J. DUGGAN

Plaintiffs,
vs.

FILED IN CAMERA AND
UNDER SEAL

MARK AND SUSAN DOBRONSKI,

Defendants.

/

THE UNITED STATES' NOTICE OF ELECTION TO
DECLINE INTERVENTION

Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B), the United States of America (United States) notifies the Court of its decision not to intervene in this action.

Although the United States declines to intervene, we respectfully refer the Court to 31 U.S.C. § 3730(b)(1), which allows the relator to maintain the action in the name of the United States; providing, however, that the “action may be dismissed only if the court and the Attorney General give written consent to the dismissal and their reasons for consenting.” *Id.*

Therefore, the United States requests that, should either the relator or the defendants propose that this action be dismissed, settled, or otherwise discontinued, this Court solicit the written consent of the United States before ruling or granting its approval.

Furthermore, pursuant to 31 U.S.C. § 3730(c)(3), the United States requests that all pleadings filed in this action be served upon the United States; the United States also requests that orders issued by the Court be sent to the government’s counsel. The United States reserves its right to order any deposition transcripts and to intervene in this action, for good cause, at a

later date. The United States also requests that it be served with all notices of appeal.

Finally, the United States requests that only the Complaint, this Notice, and the Court's Order be unsealed, and served upon the defendants. The United States also requests that all other contents of the Court's file in this matter (including, but not limited to, any applications filed by the United States for an extension of the sixty-day investigative period or for any other reason) should remain under seal and not be made public or served upon the defendant.

A proposed order will be electronically submitted to the Court.

Respectfully submitted,

BARBARA L. MCQUADE
United States Attorney

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Dated: February 10, 2010

CERTIFICATION OF SERVICE

I hereby certify that on February 10, 2010, I electronically filed the foregoing paper under seal with the Clerk of the Court using the ECF system.

I further certify that I have served in the traditional manner by placing the foregoing paper in first class U.S. mail, addressed to the following:

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